TRIAL

FOR

ADULTERY,

IN WESTMINSTER HALL,

ON

WEDNESDAY, DECEMBER, 9, 1789,

BEFORE

LORD KENYON,

JOHN PARSLOW, Esq. *Plaintiff,*

AND

FRANCIS WILLIAM SYKES, Esq. *Defendant,*

FOR

CRIMINAL CONVERSATION

WITH THE

PLAINTIFF's WIFE.

TAKEN IN SHORT HAND, AND REVISED BY A STUDENT OF EMINENCE.

DUBLIN:

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M.DCC.XC.

Rec. Jan. 19, 1906

TRIAL, &c.

THE Declaration ſtated the Seduction of the Plaintiff's wife by the Defendant, and criminal incourſe between the parties.

The Defendant pleaded the general iſſue Not Guilty.

Mr. Shepherd opened the pleadings.

Mr. Erſkine proceeded to the ſtatement of the caſe on the part of the Plaintiff: the rank of the parties, and the manner in which they firſt became acquainted, would be neceſſary for the jury to know. The plaintiff was an officer in one of the regiments of the King's dragoons, and was a gentleman of a very ſlender fortune. The defendant Mr. Sykes was alſo an officer in the ſame regiment, and was, he believed, the only ſon of the opulent Sir Francis Sykes, Bart. a gentleman who had acquired great wealth in India. The plaintiff and defendant had become acquainted with each other in conſequence of their being together in the ſervice, and as brother officers their friendſhip began. They were both officers in the army, and as officers, it was natural to expect in them that natural gallantry which diſtinguiſhes the character of military life, which to the honour of that moſt honourable profeſſion he was happy to ſay,

and he took this favourable opportunity to do ſo, having once been of that claſs himſelf, that ſpeaking in general terms, the gallantry of officers to the fair ſex was not more diſtinguiſhable than that heroic gallantry which has ſo well and ſo laudably been employed in the ſervice of their country, and the ſtate. The defendant, however, as far as his character could be involved in the deſcription, which is to be expected of a man of openneſs, candour, and integrity, formed a complete and ſtriking contraſt of the officer, and the man of honour; for inſtead of that manlineſs of ſpirit, and unwillingneſs to trifle with the happineſs of others, he had diſcovered himſelf to be of ſo ſelfiſh a diſpoſition, that he was ready to ſacrifice all the comforts of the deareſt friend, to the gratification of his own deſires. The defendant was the brother officer of the plaintiff, and in that honourable character was introduced to, and was received by him; all the civilities which a man of polite life could poſſibly expect, were experienced by the defendant from the plaintiff: they were conſidered by the plaintiff as brother officers, and thoſe offices of friendſhip which that condition of life particularly affords, were not omitted by the plaintiff; but ſorry he was to ſay, that the defendant made ſo bad, ſo ungenerous, and ſo unprincipled an uſe of theſe advantages, that inſtead of expreſſing happineſs at having the pleaſure of becoming the friend of the plaintiff, he almoſt immediately expreſſed himſelf in terms of the moſt ſhocking brutality againſt him; for he had not been of the meſs with Mr. Parſlow three weeks, before he formed a reſolution to diſhonour that man, whom, by all the laws of humanity, he ought to reverence; he had ſeen Mrs. Parſlow, the plaintiff's wife, who was a virtuous, beautiful, and accompliſhed woman;

man; he formed a ſyſtem of ſeduction, and ſaid, in the preſence of officers of the meſs, "I ſhould "like to debauch that woman;" this when compared to his ſubſequent conduct, would explain the extreme depravity of his heart; and this would not have been ſtated, were there not the moſt incontrovertible evidence of the truth of it. It might, perhaps, occur to ſome perſons to aſk, if the defendant diſcovered thus early ſuch a diſpoſition, and had uttered words ſo unwarrantable of a virtuous and fair lady, why was not the huſband appriſed of it, in order that he might guard and protect the virtue of his wife? To this inquiry, a very obvious and fair anſwer was to be given.—It was not a very light offence of which the defendant had been guilty when he uttered theſe words—it was not a very eaſy or a trivial taſk to inform the plaintiff of it, the ſubject was in itſelf extremely delicate; the parties who heard the words, conſidered them as the momentary effuſion of inconſiderate folly and vanity—nor were they ſure that if they had told the plaintiff, that the effect of that information would not be the ſhedding of blood, and that, perhaps, would have terminated in death; for by the tyranny of a cuſtom which, although againſt all law, ſeems to bid defiance to its authority, and ſeems to be of ſo ſtrong a nature, that human prudence cannot beat it down; the parties might have met in a conflict of a very different nature from that in which they are at preſent engaged: and as theſe words had paſſed, as it were in a haſty manner, thoſe who heard them, diſmiſſed all conſideration of their ſerious import, when they did not perceive any cauſe to ſuſpect the diſpoſition of Mr. Sykes, to bend towards the attainment of his object, for he did not ſhew any the leaſt inclination to ſeduce

duce or make free with the character of Mrs. Parſlow.

The defendant, therefore, and the plaintiff now interchanged viſits and civilities, and lived in the character and habits of the moſt friendly intimacy. which for a long time continued; neither Mr. Parſlow or any other perſon having the moſt diſtant ſuſpicion that any diſhonourable intentions inhabited the mind of Mr. Sykes the defendant, nor was it poſſible that any ſuſpicion ſhould have been entertained; for Mr. Sykes deported himſelf with ſo much decorum, decency, and reſpect to Mrs. Parſlow, and ſo much apparent friendſhip for her huſband, that it would, under circumſtances like theſe, have been brutal to entertain ſuſpicions: and under theſe impreſſions, the conduct of Mr. Parſlow towards his wife was moſt exemplary; in this conſiſted the happineſs of Mr. Parſlow, to indulge and love his wife was his delight; with this view he ſuffered her to viſit her relations and her friends; he did not think of keeping her aloof from temptation, for he had no ſuſpicion that ſhe was expoſed to any; nor was he one of thoſe tempers who delight in ſhewing too much authority, and who ſeem to think their wives ſhould be kept at home in utter defiance of their wiſhes for amuſement; he was tender and affectionate, but he did not ſhew that affection by locking his wife up like a Spaniard.

Among the viſits which Mrs. Parſlow made, was one to Windſor to her ſiſter, Mrs. Wallace, whom, together with Mr. Wallace, ſhe accompanied to Aſcot to ſee the amuſement of the races; they all three went in the carriage of Mr. Wallace; when they came on the race-ground, they met Mr. Sykes, the defendant, who was in a phaeton; he invited Mrs. Parſlow into the phaeton,

for

for the purpoſe of affording her more air, and a better view of the races. Mr. Wallace aſked Mrs. Parſlow who he was, ſhe anſwered, that he was the *particular friend and brother officer of her huſband*; on hearing this, Mr. Wallace conſented that Mrs. Parſlow ſhould go into the phaeton, which ſhe did; and after driving on the ground for ſome time, Mr. Sykes alighted and left her, went to the place of betting, and afterwards returned, and then Mrs. Parſlow returned to Mr. Wallace and her ſiſter to the carriage.—On this, as well as on all former occaſions, nothing but the moſt exact and ſtrict decorum was obſerved, the utmoſt modeſty and delicacy was preſerved, not even the ladies who kept company with Mrs. Parſlow, nor the officers who viſited the family, (characters by no means deficient in penetration) ever entertained the leaſt particle of doubt of the honour of Mrs. Parſlow, and of the ſincere friendſhip of Mr. Sykes towards her huſband, Mr. Parſlow. Thus ſituated, the plaintiff little thought, that under this maſk of friendſhip, Mr. Sykes was ſupplanting him in the affections of his wife; it was true that Mr. Sykes and Mrs. Parſlow were often together, but nothing happened, or in the moſt remote degree tranſpired, which could induce any human being to ſuſpect the intentions of Mr. Sykes, nor was a doubt entertained upon the ſubject, until the very evening when this fatal cauſe commenced.

In July laſt, on a Sunday afternoon, Mr. Sykes called, in his phaeton, at Ipſwich, at Mr. Parſlow's houſe, and as Mrs. Parſlow had in the morning expreſſed a deſire to take an airing, it was propoſed that ſhe ſhould ride in Mr. Sykes's phaeton a few miles, and return in the duſk; to this propoſal Mr. Parſlow aſſented, and ſo little did he ſuſpect what was then intended by Mr. Sykes,

that

that with the utmoſt affection he took his wife by the hand to the carriage in the moſt engaging manner, wiſhed her the advantage and benefit of an airing, and hoped that no accident would happen to impede her return; little did he think that he ſaw her for the laſt time, on whom with love he almoſt doated! He waited until night came on —but ſuch a night—O Heavens!—ſuch a night he paſſed, that nothing on this ſide the grave would be reward ſufficient to paſs it over again, if that were poſſible!—a ſituation this, that bids defiance to the power of words—torn with anxiety for the fate—fearful of the danger—diſtreſſed and diſtracted for the ſafety—the honour—the virtue—the life of the deareſt partner of his love!—he ſuſpected, truſted, hoped, confided, but knew not how or what to think—ten, eleven, and the hour of midnight came, but not the wife—benumbed and ſtupified by contending paſſions, it might be ſaid of him, in the language of the almoſt-inſpired poet—

"But, O what damned minutes tells he o'er,
"Who doats, yet doubts; ſuſpects, yet ſtrongly loves!"

Ruined in his happineſs and blaſted in his hope, timorous and raſh by turns; diſtreſs, diſtruſt, and diſtraction tearing him in pieces, he knew not what to do, or who and what he was. On Tueſday, however, he took advice, and although he had then been told that his wife was ſeen in the carriage with Mr. Sykes many miles off, and driving with great rapidity towards London, yet even this would not entirely extinguiſh the flame of his love, his affection ſtruggling with anger proved victorious, and he determined, live or die, to follow his wife; but the artifice of Mr. Sykes eluded the vigilance of Mr. Parſlow and Mr. Wallace,

who

who bore him company. Mr. Sykes found means to ſecret himſelf and the lady until it became convenient for them to remove. Mr. Parſlow now finding that his affection was betrayed, and bed diſhonoured, betook himſelf to all that a citizen can wiſely do when ſo ſhamefully treated; he did not follow Mr. Sykes, as the firſt impulſe of anger had directed; he did not ſeek revenge in the manner which, perhaps, the blunt ſenſations of honeſt nature might dictate; he did not ſeek the life of the man who, under the maſk of friendſhip, had been the fouleſt and the meaneſt enemy; he did not chuſe to be the avenger of his wrong, he came to a jury of his country, he came to twelve honeſt men and laid his caſe before them; he calls, not for reparation, for that is beyond the power of an earthly tribunal to beſtow; he calls for that ſort of attention to his caſe, which the law enables jurymen to beſtow.

In the mean time, Mr. Sykes having thus ſucceeded in the object of his guilty, criminal, and treacherous ſyſtem, not content with infamy on the uſual terms, not ſatisfied with his ſucceſs only, but muſt proceed to make it public; thus he brings the lady in triumph to London, in his open carriage, and there vaunts of his victory.

No apology could poſſibly be offered for the defendant in this caſe; for when his conduct after the elopement was compared with that of his declaration, "That he ſhould like to debauch Mrs. Parſlow," it would appear that he laid a plan, a deliberate ſcheme and ſyſtem of ſeduction, and that the reſerve, modeſty and reſpect which he always obſerved towards Mrs. Parſlow, was nothing but well-acted hypocriſy; the defendant therefore could not plead thoſe cauſes which, unhappily for human nature, are ſometimes irreſiſti-

ble, and unavoidable in their effects; he could not plead the influence of a momentary paſſion; he could not plead the combination of thoſe circumſtances and the importunity of appetite under the influence of their union, which ſometimes defy and baffle the moſt determined and well-regulated principles of morality; he could not ſay that he was ſuddenly driven off the poiſe of reaſon, ſuddenly aſſaulted and inſtantly ſubdued by the effect of enchanting beauty: No! his was a cold, deliberate, unfeeling infamy; he was methodically miſchievous, he was a ſeducer by ſyſtem; his guilt was ſuch as the jury could better feel than the advocate deſcribe; on the feelings of the jury, therefore, we muſt draw for the deficiency of expreſſion!

There was every reaſon to believe, that but for the intruſion of this defendant, many children would have bleſſed the parents, and adorned the family—Children at once the care and happy fruits of the nuptial bed!—Children, whoſe blooming aſpect give vigour to declining age, and whoſe engaging manners ſweeten the moſt bitter drops of the cup of affliction!—It is for them we toil and endure the hardſhips of the roughest life!—It is for them we labour beyond the period at which it is natural to ſeek repoſe in retired life! It is for them the female beauty fades without regret, and contemplates her own decay, while, ſmiling, ſhe views her beauty, commencing, in her daughter, a blooming and a new life! With this pleaſing view the orator, whoſe elegance was wont to aſtoniſh and convince the ſenate, ſlides contented down the vale of life, finding in his ſon the orator again ariſing, while himſelf is ſunk in powers below the level of common converſation!—He, who felt nothing of thoſe hopes as applied to his poſterity,

and

and was incapable of forming thoſe ſentiments in the character of a parent, poſſeſſed the appetite of a brute, and not that of a human being; theſe were the only conſolations of declining age, and without them, the moſt ſplendid ornaments of life were diſguſting; the palace, without theſe feelings, was no better than a dungeon!

When the amount of the damages came to be conſidered, it might, perhaps, be urged, that the defendant was a man of *expectation* only; that he was not himſelf a man of property although his father was; and that if the damages be exceſſive, he may not be able to prevail upon his father to ſupport him; to this an anſwer was ready, That if men will fly in the face of morality, if they will deſpiſe religion, if they will diſregard the moſt ſacred ties of friendſhip, and indulge their appetites, and ſet all law, decency, and honour, at defiance, they deſerve their fate when they are overtaken by juſtice: ten thouſand men commit faults for one who is able to make a reparation. If the defendant ſhall prove that he is now unable to pay the demand of the plaintiff, let him ſtay in gaol until he is able to diſcharge what, in the courſe of law, his peers pronounce upon his guilt; if he be unable to pay by his *purſe*, let him, in this atrocious caſe, make what acknowledgment he can in the captivity of his *perſon*. If, upon all occaſions, men were permitted to plead their inability to pay as a mitigation of their ſentence, poverty would be a ſhield for infamy, and thus a man might become the more atrocious in his conduct, in proportion as he was unable to make any reparation for the injury. As to a compenſation in this caſe, it was entirely out of all queſtion, double the ſum which the plaintiff aſked would merely be nothing, when oppoſed to the injury which the

plaintiff had ſuſtained. The jury, however, would remember, that they were clothed with power, and as citizens they were armed with duty to uſe all their offices in ſupport of the injured plaintiff; a man who had ſuſtained upon his mind a load too much for human fortitude to bear, and upon the honour of his family an indelible ſpot. Attempts would, perhaps, be made, on the part of the defendant, to leſſen the enormity of the offence, by ſhewing circumſtances of neglect, on the part of the plaintiff, towards his wife; but were he to be aſked, whether he believed that ſort of defence would anſwer the purpoſe for which it was deſigned, he would anſwer, he believed it would not.

EVIDENCE FOR THE PLAINTIFF.

Mr. WILKINSON proved the marriage between Mr. and Mrs. Parſlow; it took place in May 1785.

Captain WILLIAMS proved, that he was abroad with Mr. and Mrs. Parſlow, that he always underſtood them to be a happy pair, that Mr. Parſlow behaved with the utmoſt tenderneſs and affection to his wife.

That Mr. Sykes the defendant, came to the regiment as a cornet, and that before he had been there three weeks, he ſaid, in the preſence of Captain Williams, in the meſs, that it would give him great pleaſure to debauch Mrs. Parſlow; theſe words were uttered when Mr. Parſlow was not preſent; Sir Edward Smith and Captain Williams heard the words, and Captain Williams then made an obſervation, that the ſentence was very odd, to which Mr. Sykes made no reply.

That there did not appear in the behaviour of Mrs. Parſlow, any levity or any partiality to Mr. Sykes the defendant; that other officers viſited Captain Parſlow and his lady, and were treated with the ſame polite civility and kindneſs as Mr. Sykes.

That Mrs. Parſlow behaved with the greateſt propriety; nor did any thing paſs that ought or could have alarmed the ſuſpicion of Mr. Parſlow with reſpect to his lady.

That Mr. Sykes continued to viſit Mr. and Mrs. Parſlow above three months; afterwards went away and again viſited them at Reading, to which place the regiment was removed for a ſhort time, and again removed to Sudbury and continued for

one

one month: at this place there were no lodgings for the ladies, the town being very full; the plaintiff Mr. Parſlow, was therefore, and on that account, compelled to be abſent for a ſhort time from his lady.

Captain Williams croſs-examined by Mr. Bearcroft—He ſaid, that the officers belonging to the meſs are eighteen in number, but that ſeldom they are numerous at table, never perhaps above a dozen; that Captain Parſlow was of the meſs, and ſometimes dined there; that Mrs. Parſlow never, to his knowledge, dined at the meſs, except on a march; that he never knew Mr. Sykes and Mrs. Parſlow ride out alone. That the regiment was ſix weeks at Saliſbury; that he never hardly ſaw Mrs. Parſlow and Mr. Sykes together. That Captain Williams then left the regiment for twelve months, and afterwards joined it again at Reading, where the regiment ſtaid about five weeks.

That he was not able to ſee any impropriety, if there was any, in the behaviour and conduct of Mrs. Parſlow.

That he rebuked Mr. Sykes for his obſervation at the meſs, but does not recollect that he made any reply; that they were both ſober, having taken not more than a pint of wine a piece after dinner. That he thought no more of it, nor did he take any notice of it to Mr. Parſlow, becauſe he was confident it muſt have produced very ſerious conſequences, nor did he afterwards ſee any thing that might induce him to communicate it to Mr. Parſlow.

That Mrs. Parſlow appeared to be between two and three and twenty, and Mr. Sykes he believes is about the ſame age, although he looks a great deal older.

MAJOR

MAJOR CALLOW depoſed, that he believed Mr. and Mrs. Parſlow lived on terms of the very beſt love and affection; that the Major is himſelf married, and that Mrs. Parſlow frequently viſited his lady; he neither heard of or ſuſpected any thing improper reſpecting Mrs. Parſlow; he need indeed ſay nothing more, than that Mrs. Parſlow viſited his lady and himſelf; for had there been any doubt of the honour of Mrs. Parſlow, her viſits to the ladies would not have been received.

That Mr. Parſlow was at Dorcheſter with the regiment, neceſſarily abſent from his lady, becauſe at that time there were no accommodations at Dorcheſter.

That he did not recollect that he ever ſaw Mrs. Parſlow and Mr. Sykes riding out together.

CAPTAIN WATSON knew the parties ever ſince he joined the regiment; that the behaviour of Mr. Parſlow to his lady was proper and becoming; indeed he was exceedingly affectionate; he ſaw Mr. Sykes once in company with Mrs. Parſlow, but did not perceive the leaſt impropriety of behaviour; that Mrs. Parſlow paid and received viſits among the ladies of the officers, and that would not have been ſuffered, had the leaſt doubt been entertained of the honourable character of Mrs. Parſlow.

COLONEL GWYNN had the honour of commanding the regiment of which Mr. Parſlow was captain at Sudbury, where Captain Parſlow's attendance was indiſpenſably requiſite, and the town was ſo full that the ladies could not be accommodated.

That Captain Parſlow and his lady lived vaſtly well together; that he always ſpoke of her with a great deal of feeling and affection.

That

That Mr. Sykes looks more, but is not above one or two and twenty; his manner was very young, particularly at the meſs; his behaviour was not what the Colonel liked.

That he ſaw Mrs. Parſlow and Mr. Sykes together in the phaeton at Aſcot races, which he thought an impropriety.

Mr. M'MAHON, Surgeon to the regiment ſaid, that about three years ago, Mrs. Parſlow having her health but indifferently, he adviſed her to ride in an open carriage often, for the benefit of the air, but not to ride on horſeback, becauſe it was too violent an exerciſe; he afterwards adviſed her to try the air of France.

The plaintiff, Captain Parſlow, was very affectionate and indulgent to his lady; he took her to the Continent according to advice, but when ſhe returned her health was worſe.

That he frequently ſaw Mr. Sykes at Mr. Parſlow's, but ſaw no difference in his behaviour to Mrs. Parſlow, from that of any other officer who frequently viſited the family; he ſaw no behaviour that could or might alarm a huſband.

Mrs. SOPHIA BELCHER keeps the houſe of the City of London and Dover; ſhe remembers the plaintiff Captain Parſlow and his lady coming to her houſe, he was conſtantly with her and ſlept in the ſame room in which there were two beds; he appeared very affectionate, to the beſt of her knowledge ſhe never ſaw a man more ſo. On his return from France his affection appeared to be the ſame.

CAPTAIN WALLACE is married to the ſiſter of Mrs. Parſlow about four years, reſides now at Windſor. That Mrs. Parſlow came there on a viſit;

viſit; that they went together in his carriage to Aſcot races, they ſaw Mr. Sykes on the race-ground in his phaeton. Mr. Wallace went upon the ſtand and left the ladies in his carriage, and after the firſt heat ſaw a gentleman talking to the ladies, he drove off, and then the ladies told Captain Wallace who it was who had been talking to them, that it was Mr. Sykes; he ſaw Mr. Sykes about half an hour afterwards, and Mrs. Parſlow took a view of the amuſement of the race in Mr. Sykes's phaeton, nor did Captain Wallace object to it, becauſe Mrs. Parſlow told him that Mr. Sykes was the particular friend and brother officer of her huſband; ſhe then returned to his carriage to her ſiſter, and then went home.

That he did not often viſit Mr. and Mrs. Parſlow, becauſe he lived a conſiderable diſtance from them; he ſaw Mr. Sykes twice afterwards, while Mrs. Parſlow was with him, but he ſaw not the leaſt impropriety of behaviour, nor any thing to alarm the moſt careful huſband.

That he afterwards ſaw Mr. and Mrs. Parſlow at Ipſwich together, loving and affectionate as uſual. Mr. Sykes at this time viſited Mr. and Mrs. Parſlow frequently, and continued to do ſo until the time that he carried her off, which was eight days afterwards.

At no one time to his knowledge did Mrs. Parſlow and Mr. Sykes go out together—nor was their behaviour ſo particular as to excite the leaſt ſuſpicion.

Mr. Parſlow behaved to his lady with the utmoſt affection and tenderneſs of a huſband, and ſhe behaved exceſſively well; even on the very day on which the elopement happened, not the leaſt ſuſpicion had been entertained.

That on the Sunday of the elopement, Mr. Sykes came to the houſe of Mr. Parſlow, in the morning, and it was agreed, that in the afternoon he ſhould call with his phaeton to take Mrs. Parſlow out for an airing, ſhe having complained ſhe was not well, ſhe did not appear to be quite reſtored to health.

Between five and ſix o'clock, Mr. Sykes came in his phaeton, and Mr. Parſlow attended his lady and aſſiſted her into the carriage, and then they drove off; Captain Wallace had not, nor had any other perſon the leaſt ſuſpicion of what was intended by Mr. Sykes, at leaſt he could not tell that any body ſuſpected; he could not tell what Mrs. Wallace thought, but he had no ſuſpicion until about ten o'clock at night, and then he began to ſuſpect, as they did not return, and at this time Captain Parſlow appeared very unhappy, he never ſaw a man more unhappy, diſtreſſed, and agitated in his life; he appeared the whole of the next day quite diſtracted, and appeared incapable of knowing what to do; but on the Tueſday he became able to liſten to advice, and then Captain Parſlow and himſelf ſet off for London, in purſuit of Mrs. Parſlow and Mr. Sykes, but could not come up with them.

That before this, he believed Mr. and Mrs. Parſlow to be the happieſt couple in the world; they had a beautiful child of four years of age.

Captain Wallace on his croſs-examination ſaid, that Mr. Sykes had ſome converſation with Mrs. Parſlow the day of the elopement, but nothing was perceived which conveyed the leaſt ſuſpicion; nor did there appear on the race-ground any thing that could induce the leaſt ſuſpicion.

That it was true, Mr. Sykes had been charged with having ſaid ſomething of Mrs. Parſlow before,

fore, and, in conſequence of it, Captain Wallace called upon him for an explanation at the Prince of Wales's Coffee-houſe, and there Mr. Sykes gave the moſt ſolemn aſſurance, on his honour, that the expreſſions were never uttered by him, and that he ſhould uſe all endeavours to find out the author of the falſhood, and inſiſt on proper ſatisfaction. This quieted and entirely removed all doubt of the honourable diſpoſition of Mr. Sykes.

CAPTAIN PYE knows the parties very well, ſaw Mrs. Parſlow and Mr. Sykes on the 19th of July, the day of the elopement—ſaw them in the duſk in a phaeton, on the road about twelve miles from Ipſwich; he went up and ſpoke to them, and they appeared confuſed; Mrs. Parſlow aſked how far it was to Ipſwich, he anſwered, about twelve miles; ſhe then ſaid to Mr. Sykes, "Turn round "and go home as ſoon as you can;" to which he anſwered, "That he would turn in the town," and then drove on.

This he committed to Captain Parſlow the next day.

Mr. BROADBELL ſwore, that he keeps the George Inn at Thetford, that on the night of the 19th of July, a gentleman and lady came to his houſe in a poſt-chaiſe and four horſes; the gentleman ſaid he was the ſon of Sir Francis Sykes, that he had brought the lady with him, had run away with her, and they were to be married in a few days; that he was afraid of purſuit, and therefore wiſhed to go to London by croſs roads; but as he had no caſh, he wiſhed Mr. Broadbell to give him ſome on the bill which he had. Mr. Broadbell declining to give caſh for the bill, the gentleman ſaid that he ſhould, on that account, be under

the neceſſity of proceeding to town by way of Newmarket.

MARGARET KEMP, chambermaid of the George Inn at Thetford, ſwore, that at a quarter paſt twelve at night, the gentleman and lady came to the inn, the lady demanded to ſee a room, which being ſhewn to her, ſhe ordered it to be got ready, which was immediately done: the lady undreſſed and went into bed, and ordered the chambermaid to inform the gentleman that ſhe was in bed; ſhe did ſo, and the gentleman came up ſtairs into the room, put out the candle, and bid the chambermaid call him at nine the next morning, that he expected ſomebody to call; ſo ſaying, he bolted the door, and there the parties remained until nine the next morning, when they got up, and the gentleman aſked if any body had been inquiring for him, being told there was not, they then went off.

LETITIA FLETCHER, chambermaid at Oſborn's Hotel in the Adelphi, ſwore, that Mr. Sykes, in July laſt, came to their houſe with a lady, and ſtaid one night—they had two bed-chambers—but—but—they ſlept—they ſlept in one bed!

How do you know that? ſaid the counſel for the defendant.

O, I know!

Aye, but how?

Becauſe I *ſaw them in bed together.*

ELIZABETH CRISP, No. 3, Bennet-ſtreet, St. James's, proved, that Mr. Sykes, on the 22d of July laſt, came to her houſe with a lady, who appeared at that time to be his wife, but who, as afterwards appeared, was Mrs. Parſlow, took lodgings there for them both, where they continued a fort-

fortnight, and always muſt have ſlept in one bed, becauſe there was only one made up for them.

The Reverend MR. METHAT ſaid, that he knew the defendant when at college, they were there together, he is the ſon of Sir Francis Sykes, Bart.

That in July laſt Mr. Methat ſaw the defendant at the Mount Coffee-houſe, who aſked Mr. Methat whether he had heard any news from Ipſwich, and what they ſaid of him; to this queſtion Mr. Methat declined returning any anſwer: then the defendant ſaid, "I met Parſlow and Wallace, and "if Parſlow has any call on me, I am determined "to fight him—I am ready for him. I am come "to town with Mrs. Parſlow—my ſcheme (or my "journey) to Ipſwich has anſwered my purpoſe, "I have got her at No. 3, in Bennet-ſtreet, where "I ſhould be glad to ſee you.—Will you dine with "me to-morrow?"

This was partly addreſſed to Mr. Methat, and partly, by way of boaſting, to the company in the coffee-room, who were about forty in number; ten, at leaſt, being at that table.

This concluded the caſe on the part of the plaintiff.

DEFENCE.

DEFENCE.

MR. BEARCROFT then commenced the opening of the defendant's caſe by way of defence; he was extremely ready to confeſs, that what he might call a long exertion of a laborious profeſſion, it did not furniſh him with the recollection of a caſe, in which he felt oppreſſion ſo heavily as at the preſent trial; he was oppreſſed with a caſe which, he was ready to own, called for the ſerious attention of the jury; the oppreſſion was two-fold, the firſt part of it was the picture of eloquence which had been painted in ſuch glowing colours by Mr. Erſkine—Eloquence, which, if the ſounds of it had ceaſed to vibrate in the ears of the jury, the effect, he was ſure, ſtill clung to their hearts;—ſecondly, the difficulty of the caſe itſelf, independent of this glowing picture. Under theſe embarraſſments, he really trembled for his client, becauſe he was afraid of being indiſcreet; he was afraid that the indiſcretion of the advocate might add to the imprudence of the client. He ſhould, however, follow his inſtructions, and exerciſe all the judgment he poſſeſſed in favour of the perſon, the conduct of whoſe cauſe was intruſted in his hands.

Firſt he ſhould apply, as a matter of juſtice, to the jury, and entreat them to diſmiſs from their minds the whole of that warm and glowing picture, until the whole groupe ſhould appear upon the canvaſs; they could not in juſtice form an opinion of the caſe, until they had all the evidence of the caſe before them. This caſe, he confeſſed, if it remained as it now ſtood, would, indeed, be a ſerious one; but if it ſhould appear that the defendant was an indiſcreet, idle, diſſipated young man, the profligate child of a tender parent; and if it ſhould

alſo

alſo appear that he gives much miſery to the feelings of a father, then part of that pathetic addreſs which came from Mr. Erſkine with ſuch exquiſite ſkill, touching on the character of children, would belong to the caſe of the defendant.

This addreſs produced great effect no doubt, but it was not eloquence alone that had marked the conduct of Mr. Erſkine on this trial; he conducted the cauſe with infinite prudence and conſummate judgment; he had called witneſſes to eſtabliſh his caſe, but did not ſtop here, for he had endeavoured to weaken the defence by anticipating its effect:—in the mode of examining his own witneſſes, he had put to every one of them the queſtion, "Whether Captain Parſlow was not affectionate and attentive to his wife?" And by all of them, undoubtedly, was anſwered in the affirmative—But Mr. Bearcroft was inſtructed to ſtate, that Mr. Parſlow had been extremely negligent of his wife, not at Sudbury only, but at other places; that he had been guilty of groſs negligence to her, particularly when it was conſidered that ſhe was a woman of ſuch inchanting beauty, and ſurrounded as ſhe was by young officers, and men of gaiety and faſhion; he did not, however, impute to Captain Parſlow any diſhonourable views, ſuch as often happen in caſes of this ſort of connivance, with a view to get rid of a wife of whom the huſband is tired; or a conſpiracy between the huſband and wife, for the purpoſe of bringing an action for large damages; thoſe things, although in actions of this deſcription they often occurred, were not imputed here, all that he was inſtructed to ſtate on the part of the defendant was, that Captain Parſlow had really been guilty of very groſs negligence and inattention to Mrs. Parſlow; this, if proved, muſt conſiderably diminiſh the damages.

He

He muſt, however, before he called any of his witneſſes for the defendant, take the liberty of making a few comments on the caſe as it ſtood on the evidence for the plaintiff. It was remarkable that, of all the witneſſes produced on the part of the plaintiff, to prove that he was a very tender, affectionate, and attentive huſband, not one of thoſe with whom the plaintiff and his lady lived had been called, nor any of their domeſticks, they would have been the ſureſt ſatisfactory evidence on this point, becauſe they, of all the people in the world, were likely to know moſt upon that point.

The firſt thing that had been ſtated on the part of the plaintiff was, an indirect hint of the *opulence of the defendant*, this was for the purpoſe of inflaming the damages; it was ſaid, that the defendant was the only ſon of Sir Francis Sykes, who had acquired a large fortune in the Eaſt Indies; of the opulence of the defendant's father there was no proof before the jury—and if it be true, that the fortune of Sir Francis is of his own acquiring, the conſequence inevitably muſt be, that the ſon can have no *ſteady right in that fortune*, he muſt depend upon the pleaſure, whim, or caprice of his father, and if very large damages were incurred by the ſon's indiſcretion, nothing was more likely to injure that probable intereſt which he may have in his father's opulence, than ſuch a verdict.

As to the principle held out by Mr. Erſkine, that if a man cannot pay in his *purſe*, he muſt pay in his *perſon*, he felt himſelf intitled to appeal to the noble and learned judge, whether that doctrine was not ſolely and excluſively applicable to *criminal proceedings*, and not in the leaſt degree to govern the caſe of an *action for damages*; if, therefore, the jury gave great and very heavy damages, they might

might be beyond the ability of the defendant to pay, and they might be more than his father ſhall chuſe to advance; the conſequence will be, a perpetual impriſonment of the defendant; this would be in diametrical oppoſition to one of the moſt wiſe maxims of the law of England, "*No man "ſhall be charged with the payment of a ſum which "is beyond his capacity to pay.*" There was no proof before the jury, that the preſent defendant was worth a guinea; on the contrary, it could be very eaſily proved, that excluſive of his dependance on his father (which is an uncertain allowance) he is many pounds worſe than being worth nothing!

With reſpect to the character of the defendant, that he was a raſh, indiſcreet, diſſipated youth, the evidence of Colonel Gwynn would be ſatisfactory to the jury; that honourable and diſcerning officer had very ſignificantly ſaid, with a tone and geſture, that gave the obſervation peculiar ſignificance, that the defendant's *manner* was very young; ſuch a ſentence from ſuch a man was worth remarking, it imported a good deal more than the grammatical meaning of the words would of itſelf imply, it meant that the defendant was a diſſipated, indiſcreet, raſh, ſilly young man, (he muſt be allowed to take theſe liberties with his client;) and if this be really his character, a great deal of the guilt which had been imputed to him, ſuch as his having coolly, methodically, and ſyſtematically plotted and contrived the ſeduction of the plaintiff's lady, muſt evaporate; and it muſt appear to the jury, that all this indiſcretion has ariſen from other cauſes, and thoſe very different from what had been imputed to the defendant; and if he was tempted to commit this very improper offence by opportunities very improperly given to him, he muſt naturally be expected to fall under them.

He ſhould not ſtate that the plaintiff, Mr. Parſlow, had acted criminally, but he was inſtructed to ſtate, that he had acted very improperly and very indiſcreetly, in ſuffering his beautiful wife to ride with the defendant in a phaeton; nay, he ſhould prove, at leaſt he was ſo inſtructed, that the plaintiff conſtantly allowed his wife to ride out with Mr. Sykes, and that when ſhe was not attended with any other perſon; that he permitted her to dance with Mr. Sykes at different balls, and other places of public amuſement; conſtantly and invariably appearing careleſs of the conſequences of ſuch blameable negligence and indiſcretion.

It would appear that Mr. Sykes had been invited by Mr. Parſlow to ride with Mrs. Parſlow; that he had even gone out of his own chariot for the purpoſe of introducing Mr. Sykes to Mrs. Parſlow, and had ſuffered them to ride together in the chariot, while he followed on horſeback behind: that he often permitted Mr. Sykes and Mrs. Parſlow to be together for hours, and thoſe the moſt unſeaſonable, without the preſence of a third perſon. One night in particular, he came home and entered the parlour, when Mr. Sykes and Mrs. Parſlow were together; the lady addreſſing her huſband, ſaid, "it is only Mr. Sykes," on which Mr. Parſlow retired contented. If theſe facts be proved, the plaintiff's right to complain of the hardſhip of his caſe muſt be very doubtful; for let the jewel which a man has in his poſſeſſion be ever ſo valuable, ſtill if he leaves the cuſtody of it entirely without care, and at the mercy of any perſon who may happen to be within ſight of it, he has very little reaſon to complain of his loſs. The learned gentleman ſaid, he trembled leſt he ſhould ſtate what could not be proved, becauſe he knew the conſequence of ſuch a ſtatement,

ment, but he hoped the faults of the counſel purſuing his inſtructions would be ſeparated from the faults of the client who, in this caſe, is to pay what the jury may order him to pay for his indiſcretion. If this defence was fairly made out, the jury would give but ſmall damages; he muſt again entreat the jury not to adopt the doctrine of Mr. Erſkine, that he who cannot pay in his *purſe* muſt pay in his *perſon*, becauſe in this caſe it was repugnant to the ſpirit of the law of England. He was ſatisfied that the jury would do juſtice between the parties, and nothing more or leſs than juſtice did he require at their hands.

EVIDENCE FOR THE DEFENDANT.

CHARLES WREN ſwore, that he had formerly been ſervant to Mr. Sykes, who came to join the regiment in the year 1788, in the beginning of the winter. Mr Sykes uſed to travel with four horſes in a phaeton, Mrs. Parſlow frequently uſed to ride out with him unattended. He frequently carried meſſages from Mrs. Parſlow to Mr. Sykes, her compliments to him that ſhe would ride with him; at other times Mr. Sykes's compliments to Mrs. Parſlow inviting her to ride. That Mr. Sykes was generally in her company; and that Mr. Parſlow uſed to help his wife on horſeback when ſhe uſed to go out with Mr. Sykes. Once Mr. Sykes offered Mr. Parſlow a horſe to ride out with them, but Mr. Parſlow declined it. At other times Mr. Parſlow would ride out with Mr. Sykes, but never with Mrs. Parſlow. He remembers ſeeing Mr. Sykes and Mr. and Mrs. Parſlow going together to Mr. Revenault's, where Mr. and Mrs. Parſlow uſed to ſup. That Mr. Sykes frequently viſited Mrs.

Parſlow; but he never ſaw Mr. Parſlow go away when he found Mr. Sykes there.

From Dorcheſter to Blandford, Mrs. Parſlow went in her chariot, and Mr. Sykes in his gigg; but from Blandford to Saliſbury they both went in the gigg, and Mr. Parſlow ſaw them going, but did not object. That he has ſeen Mr. Sykes at Mr. Parſlow's ſo much in liquor, that the witneſs was obliged to lead him home.

That Captain Parſlow ſaid, when Mr. Sykes and Mrs. Parſlow were in the gigg, "there they "go, they do very well."

On his croſs examination he ſaid, he rode all the way behind, while Mr. Sykes and Mrs. Parſlow went in the gigg, from Blandford to Saliſbury, as they were drawn by *hackney horſes*; he would not tell but that it might be to the *horſes* that Mr. Parſlow alluded when he ſaid, "there they go, they do very well." That Mr. Sykes and Mr. Parſlow were friends and companions, or elſe they appeared as if they reſpected each other very much.

That Mr. Parſlow appeared to treat his wife with great tenderneſs and attention.

That he will not ſwear that Mr. Parſlow left his wife one night at Mr. Revenault's.

It was at Miſley, when they changed horſes, that Mr. Parſlow ſaid, "that's right, there they "go."

BROADWAY, another ſervant of Mr. Sykes, was examined; he ſwore that he attended his maſter at Dorcheſter and Mr. Smith's. That Mr. Sykes and Mr. Parſlow interviſited. That Mr. Sykes frequently viſited Mrs. Parſlow, and once in particular they were left alone in the parlour; he ſaw them together that night he went to his maſter

maſter to aſk whether he ſhould provide horſes to go to Bath the next day. Mr. Sykes and Mrs. Parſlow were at that time ſitting together in the dining room, this was about twelve at night; they were frequently together in this manner—but he ſaw them thus no more than once. He recollects Mrs. Parſlow once coming to Mr. Sykes's lodgings, half an hour before all the officers came; who afterwards ſpent the evening together, and for that half hour Mrs. Parſlow and Mr. Sykes were together. Mrs. Parſlow uſed to ride his maſter's blood horſe, and Mr. Parſlow uſed to ſee her, and alſo uſed conſtantly to ſee Mr. Sykes with Mrs. Parſlow. Mr. Sykes frequently uſed to ſend preſents to Mrs. Parſlow, he ſent once a *dozen pair of ſhoes*. By meſſages and compliments Mrs. Parſlow and Mr. Sykes uſed to ſpend evenings often together, they frequently met in the ſtreet. Mr. Sykes uſed to aſk whether Mrs. Parſlow was going out, that he ſhould be glad to go out a riding. Mrs. Parſlow and Mr. Sykes have gone together in Mr. Parſlow's carriage from Weymouth to Dorcheſter; Mr. Parſlow got out of his own chariot and deſired Mr. Sykes to go into it, and he did ſo, with Mrs. Parſlow, while Mr. Parſlow rode in a hackney poſt chaiſe behind and alone.

That Mr. Parſlow went to Saliſbury with his regiment, they marched early in the morning; Mr. Sykes went a few miles with them, and then returned, and at ten o'clock went in his phaeton with Mrs. Parſlow That Mr. Sykes went in the ſame manner to the review with Mrs. Parſlow; they were on the reviewing ground together in the phaeton, and Mr. Parſlow muſt have ſeen them.

Mr. Erſkine croſs-examined this witneſs. Mrs. Parſlow had not the appearance of a perſon out of health. That Mr. Sykes treated Mr. Parſlow as his friend.

friend. That he never ſaw Mr. Sykes and Mrs. Parſlow together more than once in the dining-room. That he would not ſwear that Mr. Parſlow was not in the houſe at that time. That Mrs. Parſlow appeared with all the ladies of the place.—That Mr. Parſlow generally placed Mr. Sykes at Mrs. Parſlow's ſide, while Mr. Parſlow was at the bottom of his own table.

That when Mr. Sykes got into the chariot to Mrs. Parſlow, at the requeſt of Mr. Parſlow, a lady was with Mrs. Parſlow.

Who was that lady, Sir?

Mrs. Parſlow's own ſiſter.

Why did you not mention that before, Sir?

Becauſe it was not aſked.

[Here the jury appeared highly diſpleaſed with the witneſs.]

Lord KENYON then aſked the witneſs the following queſtions:

When you came to the door of the dining-room where Mrs. Parſlow and your maſter were together as you ſay, did you knock at the door?

Yes, my Lord.

What anſwer did you receive?

I was bid to come in.

CHARLES CONNER, another ſervant, now living with Mr. Sykes, the defendant, was then called; he ſwore that at Ipſwich races, Mrs. Parſlow went with his maſter to the race ground, and Mr. Parſlow knew it, there was a ſervant with them; they frequently went out together, and he generally attended them as groom; they might to his knowledge have been four or five times together, and out of that Mrs. Wallace was with them two or three times.

Miſs

Miſs MASON lives at Dorcheſter, keeps the houſe where the judges go when on that circuit, remembers when the regiment was at Dorcheſter, that Mr. Sykes viſited Mr. and Mrs. Parſlow now and then, but does not know that he viſited oftener than the other officers; ſhe never ſaw him there late in the evening; ſhe ſaw nothing improper in either of their conduct. Mr. Parſlow appeared to be remarkably attentive and affectionate to his lady.

MRS. KEEN, an elderly lady, ſaid, that Mr. and Mrs. Parſlow were at her houſe while they ſtaid at Saliſbury, where Mr. Sykes uſed to viſit them.—This witneſs ſeemed to verify the poet's expreſſion of—

" —— Narrative old age."

for when the counſel ſaid ſhe might retire, ſhe turned round and ſaid, " I believe the gentleman " (meaning Mr. Parſlow) is the moſt affectionate " huſband in the world."

REPLY.

MR. ERSKINE replied, and ſaid, That his indignation had been riſing, ſtep by ſtep, from the commencement to the concluſion of this defence, but it had at laſt melted into compaſſion for the defendant; for there is a ſtage of depravity in human nature, to which nothing but compaſſion is applicable: of that deſcription was this defence ſet up upon the preſent trial; ſo monſtrous, ſo inhuman, ſo much againſt the very ſpirit and eſſence of juſtice, was the conduct of this trial upon the part of the defendant, that it might be ſtated as a caſe

caſe which was entirely out of the ordinary courſe of human life; ſuch a complicated ſcene of vice and iniquity had never, perhaps, before exiſted; to ſuch extraordinary depravity he was a ſtranger: —thank God! thank God! I have been educated in principles which led me to doubt the poſſibility of ſuch infamy, and therefore no wonder that this is new to me—I have been brought up by parents, whoſe peace has never been diſturbed by the violater of the marriage-bed; they could not teach me to prepare for the deſcription of ſcenes like this, for they knew not of them. The enormity of the defendant's guilt was not only without a parallel in real life, but alſo beyond the fiction of even poetry itſelf; it was beyond the copies which that great maſter of deſcription of the human *heart*, *Shakeſpeare himſelf*, had given; he, even in the repreſentation of the moſt foul infamy of heart, always took care to make the *conſcience* interpoſe now and then; in the barbarous, cruel, inhuman *Macbeth*, when ſtrung up to his fell purpoſe, a pauſe for a moment is allowed to the call of conſcience, a rebuke from her muſt firſt be ſuffered, ere the black deed be perpetrated: but here, no ſuch viſit, even of conſcience, is admitted; for the defendant no ſooner ſees the plaintiff's wife, but the reſolution is taken to compaſs her deſtruction, and this reſolution is not once checked, until the infamous deed is done; he no ſooner looks at the happineſs of the plaintiff, in the love, ſociety, and affection of his wife, but he is determined to deſtroy it: this beautiful woman becomes inſtantly, not the object of his admiration, but the object of his luſt; and thus he is at all events determined to violate all the laws of honour, humanity, friendſhip, and even natural chaſtity; he coolly and deliberately ſays to himſelf, "I ſee you are happy, I will deſtroy that happi-

happineſs; I ſee you are now the envy of the world for the bliſs you participate from mutual love, but I will make you miſerable, for it is my choice it ſhall be ſo—ſee ye that child, that beautiful innocent, whom every night you careſs as the proof and remembrance of your former endearments, and pledge of your future joy? I will change it into a ſerpent when hereafter you take it to your boſom; that genuine ſource of your virtuous love ſhall become your curſe inſtead of conſolation." This did he ſpeak to himſelf when firſt he meditated this unparalleled miſchief; this was evident from the whole tenor of the defence, which, indeed, was not according to the advice of the counſel for the defendant; his good ſenſe induced him to hint and allude to, rather than ſeem to make a regular defence; he was, from his great experience, well aware of the effect of ſuch a mode of defending a caſe of this extraordinary nature; and notwithſtanding the great diſcretion and extraordinary abilities of Mr. Bearcroft, as well as the very able aſſiſtance which he had from gentlemen of well-known merit in their profeſſion at the bar, they were altogether unable to hide the infamy of the defendant's caſe; for although he had the honour of knowing intimately the defendant's father; and although, as the jury had witneſſed through the whole of that long day, he had exerted himſelf to the utmoſt of his ſtrength, yet the duty which he felt in his character of advocate to the injured plaintiff, was a claim which was paramount to all other conſiderations; he ſhould ſtill, in this exhauſted, crippled ſtate, expoſe the evidence on the part of the defendant, even although he ſhould at laſt ſink under his infirmity.

What attempt had the defendant made to ſupport his cauſe! and through the medium of what low agents! *his own domeſtics* are to defend him through his career of infamy. What will be the effect of admitting ſuch a defence? Why, that after the moſt ſerious injury that can poſſibly be done to man, it is to be entirely forgotten, becauſe the delinquent's menial ſervants approve of the conduct of their maſter; the adulterer looks around to his ſervants, bids them try if they can ſee any negligence or improper conduct in the huſband, or ſuch as may appear to them to be negligence and inattention to his wife. Good God!—where are we! in England! in the face of magiſtracy! in a country of freedom and liberality! in a ſtate where every man is intitled to freedom and protection of the laws! in a land where morality, honour and religion are revered!—Or in a deſert, inhabited by wild beaſts and ſavages, where no rights are acknowledged and poſſeſſed, but thoſe derived from ſtrength and cunning!—According to this defence, every man in England muſt not only lock up his wife like a Spaniard, but he muſt alſo keep a journal of the minutes of his own life, or elſe the adulterer will excuſe himſelf, by proving the negligence of the injured huſband.

The ſituation of the parties was alſo an object of the attention of the jury; the plaintiff was a gentleman, handſome in his perſon, accompliſhed in his manners, but he was only an officer in the dragoons, and had only his pay to ſupport him. The defendant not ſo; he was the only ſon of a very rich, opulent gentleman, who had acquired great property in India, and he it was who furniſhed the beſt proof of the plaintiff's caſe, by the declaration of his own infamous diſpoſition.—With reſpect to the principle upon which Mr. Bearcroft had con-

contended, that no man ought to be charged with a ſum which was beyond his power or ability to pay, it might be anſwered by obſerving, that the extreme infamy of the defendant's caſe entitled him to no favour, and that it was ſufficient that there was a probability he would ſome time be able, if not ſo at preſent.

As to the negligence of the plaintiff to his wife, where was the proof? On the contrary, had not all the women, called on the part of the defendant, proved that the plaintiff was an affectionate huſband?—and women are the loudeſt creatures in the world when they ſee an accompliſhed, beautiful woman neglected.

But the diſpoſition of the defendant had been miſrepreſented; he was not ſo unrelenting a man as had been ſtated, for he had at laſt become ſenſible of the injury which he had done to the plaintiff, and offered certainly to make him complete compenſation, he had offered to *cut the plaintiff's throat!* he had offered to add murder to adultery! this was kind and relenting in the defendant; for as he knew that the plaintiff muſt be miſerable while he remained on earth, he had offered to ſend him to a happier ſtate.

Again he entreated the jury to reflect on the plaintiff's ſituation; how can he look upon this child, this lovely infant, without the keeneſt anguiſh!—how can he behold its lovely face without the moſt mournful throbs of heart-felt ſorrow, while it calls to his recollection, and produces to his mind, the memory of her once-loved mother, whoſe endearments produced it! How can he rear this tender plant, and daily behold it, without exclaiming, O mayſt thou always preſerve the virtue which thy mother once poſſeſſed! Mayſt thou have her enchanting and lovely beauty, but God protect thee from her fate!

Lord KENYON then took up the cauſe, and obſerved to the jury, that the length of the trial would operate among other reaſons, as his excuſe to the jury for not ſumming up the whole of the evidence, as he had taken it down; indeed, he knew from the profound attention which they had paid to this ſerious cauſe, they were in poſſeſſion of all the facts, and he was ſure, that the material points were ſtrongly and deeply impreſſed upon their minds.

This was, indeed, a cauſe which called for the moſt ſerious attention of the jury, not from the difficulty which they would meet in its diſcuſſion, but on account of the enormous conduct that had been imputed to the defendant, in the progreſs of this ſerious buſineſs; and alſo on account of the very great and heavy injury of which the plaintiff complained, and for which he ſought juſtice by the verdict of his Peers. The wound with which he had been afflicted, moſt deeply pierced his neareſt and his deareſt intereſt.

On the outſet of this caſe, two queſtions preſented themſelves to the jury—Firſt, whether the fact of which the plaintiff complained was proved.—Secondly, if the firſt was proved, what damages he was entitled to receive.

To the firſt, no reſiſtance could be offered, nor had it been attempted; the adultery beyond all doubt was proved; the ſeduction was proved by clear, full, and preciſe evidence; the firſt point being thus diſpoſed of, the conſideration of the jury would then naturally turn to the ſecond, namely, the amount of the damages which ſhould be given to the plaintiff.

Cauſes of this nature had greater variety of diſtinction in them, than thoſe of any other. Inſtances there were, where the adultery was clearly proved, and yet the plaintiff was entitled to ſmall or no damages; for where it is proved that the huſband

huſband himſelf acts the part of ſeducer of his own wife, and that of the adulterer, he ſhall not be entitled to any damages. Where he puts his wife in bed with the adulterer, or where he himſelf puts the pillow under their heads, and is witneſs of the offence, the law will ſay, "You have received no injury by that act, to which you have "yourſelf conſented, and therefore no attention "ſhall be paid to your complaint." To the man who has willingly received an injury, no injury is done. Guilt in a moral view certainly muſt always attend adultery; but if the huſband conſents to it, he ſhall not be permitted by the law to complain.

Another caſe was, that where a huſband has wilfully neglected his wife, had been careleſs and ſhamefully inattentive to her, he ſhall not recover damages to a large amount, becauſe in this caſe, he is alſo in a great degree the cauſe of the moral tranſgreſſion. To the caſe now before the jury, it was neceſſary for them attentively to conſider, whether there had been a trap laid by the plaintiff to catch the defendant; and alſo, whether the plaintiff had diſcovered himſelf to be inattentive and negligent towards his wife; in theſe conſiderations, nothing but the evidence could fairly lead the jury to a determination. His Lordſhip ſaid, that this was the province of the jury, they were to find out the merits of the defendant's cauſe; as to himſelf, he confeſſed, that he did not ſee that the defence made the defendant's caſe better than it was at the concluſion of the evidence for the plaintiff; for in his mind it did not diſcloſe circumſtances or preſent facts, which could poſſibly, in fair reaſon, operate in favour of the defendant or his cauſe. What was the defendant's caſe? He comes into the regiment very uninformed, as appeared by unqueſtionable evidence, and very young,

young, as was admitted by his Counſel. He comes as a brother officer into the company of Captain Parſlow, a gentleman to whom and to whoſe family he is introduced, and who, from the moſt honourable character given of him, was a man to whom it was both happineſs and honour to be introduced; and it might have been of great advantage to the defendant, to have had the friendſhip of Captain Parſlow. The defendant, inſtead of making a proper uſe of this advantage, diſgraces himſelf by commencing almoſt immediately to abuſe it; for he had not been joined to the regiment a fortnight, before he is heard to utter the moſt deteſtable ſentiment; he has the hardened wickedneſs to ſay of a lady, whom it was his duty to reſpect as his friend's wife—"I ſhould like to "debauch that lady," or, "it would give him "great pleaſure to debauch her,"—great pleaſure to debauch the wife of a man who had received him as his friend!

At dinner and at ſupper, he was received with that liberality, which, it ſeems, diſtinguiſhed Captain Parſlow's houſe; thither he is permitted to repair when he has no other employment for his time; and which, as it ultimately appears, he employs in the deſtruction of the happineſs of his friend; he follows Captain Parſlow to Ipſwich, where he puts in practice what he had before ſaid he wiſhed to do; he then comes to London, where, in an open Coffee-room, he has the audacity to boaſt of his conduct, inſtead of being covered with ſhame and confuſion for his guilt; and then ſays, he is ready to fight the plaintiff; ſo that if the plaintiff is not contented to be ſilent about the injury, *his throat is to be cut*. This part of the defendant's conduct went a great way to aſſiſt the jury in their determination upon this caſe, becauſe it ſhewed, that the defendant was well aware, that

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he ran away with the lady againſt the conſent of the plaintiff; and that the plaintiff, ſo far from being indifferent about his wife, was extremely enraged at the defendant's conduct; of this the defendant was ſenſible, elſe why talk of fighting the plaintiff?

Courts of juſtice in this country did not exhibit on their records a caſe more aggravated than this. The defendant had diſcovered, that he had long meditated this ſcheme; that he went to Ipſwich with a deliberated and fixed purpoſe to commit this act, and afterwards gloried in the completion of the act, and the whole was to be conſummated by cutting the throat of Mr. Parſlow; thus the crime of adultery was to be followed up by the crime of murder; a more atrocious caſe never appeared in a court of juſtice. If any thing could accumulate to this, it muſt be, that the plaintiff, after being deprived of all domeſtic happineſs, and after being compelled to drag the defendant into a court of juſtice, is to have an attempt made to add to the injury, by an endeavour on the part of the defendant, to ſtain the honour of the plaintiff, and by endeavouring to ſhew, that the plaintiff in this cauſe was the only guilty perſon of the whole three, for that he had laid a trap to catch the defendant, and to have large and inflamed damages; were this caſe capable of aggravation, it was aggravated by this attempt.

The jury in their ſober diſcretion were the only perſons who had a right to govern entirely all conſiderations of damages; and they would not run wild in aſſeſſing (although in this caſe, that was not very eaſy) the damages, and allow their paſſions to ſubdue their judgment; high, high, indeed, large, very large exemplary damages would be proper in this caſe; and if large damages were not given, the jury would fall ſhort of that juſtice which they

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owed to their country. The jury were in that place in a double capacity, they were as much the guardians and protectors of virtue, as they were the puniſhers of vice; and he was ſure, their own good ſenſe would give and direct them to do juſtice between the parties.

The jury, without heſitation, pronounced a verdict for the plaintiff, damages—Ten Thouſand Pounds; more could not be given, for that was the ſum laid in the declaration.

There were only five ſpecial jurymen, the other ſeven were taken from the common pannel.

THE END.